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10/666,344

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Bin Lu

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/666,344	Applicant(s) LU, BIN	
	Examiner Andy S. Rao	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/08 has been entered.
2. Applicant's arguments filed with respect to claims 1-21, 24-34 as filed on 2/25/08 have been fully considered but they are not persuasive.
3. Claims 1-2, 4, 6-21 and 24-34 remain rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al., (hereinafter referred to "Fernandez").
4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter referred to as "Fernandez") in view of Lewellen (US 2004/0008255 hereinafter referred to as "Lewellen").
5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter referred to as "Fernandez") in view of Johnson et al., (hereinafter referred to as "Johnson").
6. The Applicant presents four arguments contending the Examiner's pending rejections of claims 1-2, 4, 6-21 and 24-34 remain rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al., (hereinafter referred to "Fernandez"), and of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter referred to as "Fernandez") in view of Lewellen (US 2004/0008255 hereinafter referred

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to as “Lewellen”), and of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter referred to as “Fernandez”) in view of Johnson et al., (hereinafter referred to as “Johnson”), said arguments further being directed towards the currently amended claims 1-21, and 24-34. However, after careful consideration of the arguments presented, and further scrutiny of the applied references, the Examiner must respectfully disagree and maintain the applicability of the references as the basis for the grounds of rejection that follow.

After summarizing the salient features of the amended claims (Amendment of 2/25/08: page 7, lines 5-19), the Applicant argues that the applied Fernandez reference fails to read upon the “...each digital video recorder includes a wireless interface for encapsulating and transmitting the digital video/date signal...” limitation as in the claims (Amendment of 2/25/08: page 7, lines 20-24; page 8, lines 1-3). The Examiner respectfully disagrees. While the Applicant asserts that the cited DVD (digital video disc) of Fernandez is only a storage device, the Examiner would note that it is a storage device that is used for storing “recorded data” (Fernandez: column 6, lines 25-30), and furthermore, that said recorded data is video data (Fernandez: column 6, lines 17-22). . Accordingly, the Examiner maintains that the DVD when used as a storage element for archiving recorded video data reads on the “...digital video recorder...” as in the claims.

Furthermore, the Applicant argues that further features associated the “...each digital video recorder includes a wireless interface for encapsulating and transmitting the digital video/date signal...” limitation are not suggested by the primary reference (Amendment of 2/25/08: page 8, lines 4-6). The Examiner flatly disagrees. The Examiner notes that Fernandez clearly discloses that each target unit has a communicator element

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(Fernandez: column 7, lines 45-55) that enables wireless transmission (i.e. wireless interface) according to standard radio protocol (i.e. encapsulation) compliance (Fernandez: column 7, lines 40-45). Accordingly, the Examiner maintains that this limitation is met as well.

Additionally, Applicant argues that the "...at least one central data process unit for detecting new video data in each digital video recorder by checking each digital recorder's history..." limitation in the claim is not addressed by primary reference (Amendment of 2/25/08: page 8, lines 7-22). The Examiner respectfully disagrees. The Examiner notes that Fernandez discloses the use of a central controller (Fernandez: column 3, lines 15-57), and notes that in the application of observation rules, the central server by requesting current/future monitoring information such as related transactions (Fernandez: column 6, lines 58-67; column 6, lines 1-2) reads on the "...checking of a digital recorder's history..." as in the claim. Accordingly, the Examiner maintains that the limitation is met.

Lastly, in response to applicant's arguments against the references individually (Amendment of 2/25/08: page 9, lines 1-13), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, the Examiner notes that since Fernandez has already been shown to clearly address the additional limitations on the amended claims, the auxiliary Johnson and Lewellen references on their own do not also have to address those features, but meet them with their respective combinations with Fernandez.

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A detailed rejection follows below.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-2, 4, 6-21 and 24-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al., (hereinafter referred to “Fernandez”).

Fernandez discloses a mobile digital security system (Fernandez: figure 1), comprising: a digital video recorder (Fernandez: column 6, lines 15-32; column 8, lines 10-20) disposed in each of at least one mobile unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) and operable to generate a digital video/data signal (Fernandez:

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column 4, lines 23-35), wherein each a wireless interface coupled to the digital video recorder for encapsulating (Fernandez: column 7, lines 35-45) and transmitting the digital video/data signal (Fernandez: column 3, lines 15-20); a wireless device coupled to the wireless interface through a wireless network for receiving the encapsulated and transmitted digital video/data signal (Fernandez: column 3, lines 32-42); at least one central data process unit (Fernandez; column 2, lines 20-30) for detecting new video data in each digital video recorder by checking each digital video recorder's recording history (Fernandez: column 6, lines 58-69; column 7, lines 1-2); and a server for processing the received digital video/data signal (Fernandez: column 3, lines 25-32), wherein the server is implemented with a real time (Fernandez: column 3, lines 10-15: "real-time") synchronization protocol (Fernandez: column 12, lines 27-32) for alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11, lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring station (Fernandez: column 12, lines 40-61), as in claim 1.

Regarding claim 2, Fernandez discloses wherein the wireless network is a TCP/IP based network (Fernandez: column 3, lines 45-50), as in the claim.

Regarding claim 4, Fernandez discloses wherein the server is operable to communicate with the digital video recorder (Fernandez: column 3, lines 43-57), as in the claim.

Regarding claim 6, Fernandez discloses wherein the server is operable to provide remote video/data management (Fernandez: column 9, lines 10-25), as in the claim.

Regarding claim 7, Fernandez discloses wherein the server is operable to provide a real time streaming gateway to a plurality of digital video recorders (Fernandez: column 3, lines 10-15), as in the claim.

Regarding claims 8-9, Fernandez discloses wherein the server is operable to provide remote real time backup (Fernandez: column 3, lines 10-15) at a variable frame rate (Fernandez: column 12, lines 20-40), as in the claim.

Regarding claims 10-11 discloses Fernandez discloses wherein the server is operable to provide post recording backup (Fernandez: column 11, lines 50-65), as in the claims.

Regarding claim 12, Fernandez discloses wherein the server is operable to provide a log system for tracking an access to the server (Fernandez: column 9, lines 10-25), as in the claim.

Regarding claim 13, Fernandez discloses wherein the server is operable to provide HTML based configurations (Fernandez: column 3, lines 7-11) with password authentication (Fernandez: column 5, lines 4-7), as in the claim.

Regarding claim 14, Fernandez discloses wherein the server is operable to provide triplex real time backup (Fernandez: column 3, lines 9-13), as in the claim.

Regarding claim 15, Fernandez discloses wherein the server is operable to provide real time monitoring (Fernandez: column 6, lines 15-25), as in the claim.

Regarding claim 16, Fernandez discloses wherein the server is operable to provide playback (Fernandez: column 8, lines 20-32), as in the claim.

Regarding claims 17-18, Fernandez discloses further comprising a remote viewing device coupled to the server (Fernandez: column 8, lines 20-43), as in the claim.\

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Regarding claim 19, Fernandez discloses wherein the server comprises an event triggering macro operable to send data to the digital video recorder (Fernandez: column 12, lines 30-40), as in the claim.

Regarding claim 20, Fernandez discloses wherein the server is operable to provide time and event search queue management (Fernandez: column 12, lines 4-20), as in the claim.

Regarding claim 21, Fernandez discloses wherein the server comprises a digital right management module operable to provide playback authentication (Fernandez: column 5, lines 5-10), as in the claim.

Regarding claim 24, Fernandez discloses wherein the server is operable to provide data synchronization in a database (Fernandez: column 9, lines 10-37), as in the claim.

Fernandez discloses a method of providing mobile digital security (Fernandez: figure 4) comprising the steps of: generating digital video/data (Fernandez: column 4, lines 23-35) at a mobile unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) including a digital video recorder (Fernandez: column 6, lines 15-30; column 8, lines 10-20); encapsulating (Fernandez: column 7, lines 40-45) and transmitting the digital video/data (Fernandez: column 7, lines 25-35); receiving the encapsulated and transmitted digital video/data (Fernandez: column 3, lines 15-20) using a wireless interface (Fernandez: column 7, lines 45-55) included in the digital video recorder (Fernandez: column 6, lines 15-30; column 8, lines 10-20); and processing the received digital video/data (Fernandez: column 3, lines 25-32), and alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11, lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring station (Fernandez:

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column 12, lines 40-61); and detecting new digital video data in the digital video recorder by checking each digital video recorder's recording history (Fernandez: column 6, lines 58-69; column 7, lines 1-2), as in claim 25.

Regarding claims 26-27, Fernandez discloses wherein the digital video/data is generated by a digital video recorder (Fernandez: column 8, lines 10-20), as in the claims.

Regarding claim 28, Fernandez discloses wherein the digital video/data is stored in a digital storage media, (Fernandez: column 8, lines 15-20), as in the claim.

Regarding claim 29, Fernandez discloses wherein the digital video/data is transmitted over a wireless TCP/IP based network (Fernandez: column 3, lines 45-50), as in the claim.

Regarding claim 30, Fernandez discloses wherein the digital video/data is processed by a server (Fernandez: column 3, lines 25-35), as in the claim.

Regarding claims 31-32, Fernandez discloses wherein the digital video/data is synchronized with a server database in real time (Fernandez: column 3, lines 10-15), as in the claims.

Regarding claim 33, Fernandez discloses further comprising the step of providing encrypted password authentication before encapsulating and transmitting the digital video/data to a server (Fernandez: column 5, lines 5-10), as in the claim.

Regarding claim 34, Fernandez discloses further comprising the step of transmitting the processed digital video/data to a remote client over an IP network (Fernandez: column 3, lines 45-50), as in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter referred to as “Fernandez”) in view of Lewellen (US 2004/0008255 hereinafter referred to as “Lewellen”).

Fernandez discloses a mobile digital security system (Fernandez: figure 1), comprising: a digital video recorder (Fernandez: column 8, lines 10-20) disposed in each of at least one mobile unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) and operable to generate a digital video/data signal (Fernandez: column 4, lines 23-35); a wireless interface coupled to the digital video recorder for encapsulating and transmitting the digital video/data signal (Fernandez: column 3, lines 15-20); a wireless device coupled to the wireless interface through a wireless network for receiving the encapsulated and transmitted digital video/data signal (Fernandez: column 3, lines 32-42); and a server for processing the received digital video/data signal (Fernandez: column 3, lines 25-32), wherein the server is implemented with a real time (Fernandez: column 3, lines 10-15: “real-time”) synchronization protocol (Fernandez: column 12, lines 27-32) for alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11, lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring station (Fernandez: column 12, lines 40-61), wherein the network is a wireless WLAN (Fernandez: column 2, lines 29-32). However, Fernandez fails to disclose that the

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wireless WLAN uses the 802.11b standard as in the claim. Lewellen discloses that for wirelessly transmitting surveillance systems it is known to the 802.11b standard for wireless transmission of information because such a transmission standard provides Ethernet connectivity but doesn't interfere with Bluetooth devices (Lewellen: paragraph [0041], lines 1-17). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to modify the WLAN in Fernandez to transmit according to the 802.11b standard to allow for Ethernet connectivity without interfering Bluetooth based devices in the system. The Fernandez system, now incorporating the use of the 802.11b wireless standard as shown by Lewellen, has all of the features of claim 3.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter referred to as "Fernandez") in view of Johnson et al., (hereinafter referred to as "Johnson").

Fernandez discloses a mobile digital security system (Fernandez: figure 1), comprising: a digital video recorder (Fernandez: column 8, lines 10-20) disposed in each of at least one mobile unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) and operable to generate a digital video/data signal (Fernandez: column 4, lines 23-35); a wireless interface coupled to the digital video recorder for encapsulating and transmitting the digital video/data signal (Fernandez: column 3, lines 15-20); a wireless device coupled to the wireless interface through a wireless network for receiving the encapsulated and transmitted digital video/data signal (Fernandez: column 3, lines 32-42); and a server for processing the received digital video/data signal (Fernandez: column 3, lines 25-32), wherein the server is implemented with a real time (Fernandez: column 3, lines 10-15: "real-time") synchronization protocol (Fernandez: column 12, lines 27-32)

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for alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11, lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring station (Fernandez: column 12, lines 40-61), wherein the mobile unit is a vehicle (Fernandez: column 2, lines 15-20) and the server is disposed with the authorities (Fernandez: column 10, lines 65-67; column 11, lines 1-6). However, Fernandez fails to disclose the appropriate authorities are a police station and that the vehicle is a police vehicle as in the claim. Johnson discloses a surveillance system used by law enforcement for keeping track of police officer activity while in the field from a police department in order to provide the precinct (Johnson: column 8, lines 50-55) with status information of the officers during patrols (Johnson: column 9, lines 50-65). Accordingly, given this teaching, it would have been obvious to one of ordinary skill in the art to incorporate the use of the Johnson teaching of having the mobile unit being a police vehicle and having the server being in a police station in order to have corroborate officer deployment in response to a received 911 alert (Fernandez: column 11, lines 1-5). The Fernandez apparatus, now incorporated have the mobile unit be a police vehicle and have the server located in a police station, has all of the features of claim 5.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
/Andy S. Rao/
Primary Examiner, Art Unit 2621
May 7, 2008